

Appl. No. 10/049,256

Corrected Amdt. dated August 30, 2007

Reply to Notice of Non-Compliant Amdt.

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Amendments to the Drawings:

Applicant submits replacement drawing sheets having proper cross sectional shading in Figures 1-4 to overcome the Examiner's objection to the drawings.

REMARKS

Claims 14, 15, 17, 18, 19, 22 and 25 are pending in this application and stand rejected. By way of this Amendment, Applicant has canceled claim 14 without prejudice, and has added new claim 26. Applicant reserves the right to pursue the subject matter of claim 14 in a continuation application.

In the Office Action mailed June 22, 2006, the Examiner reopened prosecution of the application in light of Applicant's appeal brief submitted April 24, 2006. In the Office Action, the Examiner objected to the drawings on the grounds that the figures lacked cross sectional shading. Applicant has submitted replacement drawing sheets with the proper cross sectional shading.

The specification was objected to due to informalities in the abstract. Applicant has made the necessary corrections.

Claims 14-19, 22, and 25 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 14-19 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Dutch Patent Publication 8501481. Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Dutch Patent Publication 8501481 in view of Dutch Patent Publication 9301278. Applicant respectfully traverses all of the rejections.

New claim 26 positively recites the apparatus features of the device in consistent language from one end of the device to the other. Corresponding changes have been made to claims 15, 19, 22 and 25 for consistency. Claim 16 was previously canceled.

Claim 25 has been amended to refer to "a door frame" in addition to the changes made for consistency with the language used in new claim 26.

New claim 26 requires that the first and third plastic strips are substantially similar. The basis for this amendment comes from the Figures. This feature of claim 1 is not disclosed in Dutch Patent Publication 8501481 as the first (6) and third (4) strips (or vice versa) are clearly of very different lengths and have different profiles from one another. By being substantially similar as in new claim 26, the device is easier to manufacture, it is easier to install as it is orientation independent and it provides a symmetric working action, in use, minimizing stresses and enabling the device to be fitted in more applications (as the prior art device takes up more room in at least one dimension).

Additionally, Dutch Patent Publication 8501481 does not disclose that the mounting portions are pre-biased to about 90 degrees. Figure 1 shows a cross-section of the device, but there is no disclosure that this is the "at rest" configuration thereof. Furthermore, there is no teaching as to why mounting portions might be pre-biased or what advantage(s) this might provide. Accordingly, there is no teaching discernable to a person skilled in the art as to why such a configuration, which is not disclosed, would be used elsewhere.

Applicant requests continued examination pursuant to 37 C.F.R. § 1.114(a). Although the Office Action mailed June 22, 2006 was not made final, prosecution of the application is currently closed, because the application is under appeal. 37 C.F.R. § 1.114(b).

For the reasons stated above, the application is in a condition for allowance. Therefore, Applicant respectfully requests that a timely Notice of Allowance be issued in

this application. The Director is authorized to charge all fees due in connection with this paper to deposit account No. 01-0265.

Respectfully submitted,

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